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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **NIKOLAY S. LASKO**
12 **1556 Great Highway, #201**
13 **San Francisco, CA 94122**
Registered Nurse License No. 541140

14 Respondent.

Case No. 2010-114
ACCUSATION

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about March 3, 1998, the Board of Registered Nursing issued Registered Nurse
22 License Number 541140 to Nikolay S. Lasko (Respondent). The Registered Nurse License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 February 28, 2010, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 states, in pertinent part:

2 "Every certificate holder or licensee, including licensees holding temporary licenses,
3 or licensees holding licenses placed in an inactive status, may be disciplined as provided in this
4 article [article 3, commencing with section 2750]. As used in this article, 'license' includes
5 certificate, registration, or any other authorization to engage in the practice regulated by this
6 chapter [chapter 6, commencing with section 2700]."

7 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
8 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
9 licensee or to render a decision imposing discipline on the license.

10 6. Section 118, subdivision (b), of the Code provides that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
12 within which the license may be renewed, restored, reissued or reinstated.

13 7. Section 2761 states:

14 "The board may take disciplinary action against a certified or licensed nurse or deny
15 an application for a certificate or license for any of the following:

16 "(a) Unprofessional conduct, . . ."

17 8. California Code of Regulations, title 16, section 1444, states:

18 "A conviction or act shall be considered to be substantially related to the
19 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
20 present or potential unfitness of a registered nurse to practice in a manner consistent with the
21 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
22 following:

23 "(a) Assaultive or abusive conduct including, but not limited to, those
24 violations listed in subdivision (d) of Penal Code Section 11160. . . ."

25 9. Penal Code section 11160, subdivision (d), states:

26 "For the purposes of this section, 'assaultive or abusive conduct' shall include any of
27 the following offenses:

28 . . .

1 "(8) Battery, in violation of Section 242.

2 "(9) Sexual battery, in violation of Section 243.4.

3 ..."

4 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licensee found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

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9 FIRST CAUSE FOR DISCIPLINE

10 (UNPROFESSIONAL CONDUCT)

11 11. Respondent is subject to disciplinary action under section 2761(a) in that he acted
12 unprofessionally. The circumstances are as follows:

13 12. On or about January 8, 2008, while working at Santa Teresa Kaiser in San Jose,
14 California, Respondent made an unwelcome sexual advance upon a co-worker, when he kissed
15 her on the neck and cupped her left breast with his hand.

16 SECOND CAUSE FOR DISCIPLINE

17 (SUBSTANTIALLY RELATED ACT)

18 13. Respondent is subject to disciplinary action under section 2761(a) in that he
19 committed an act considered to be substantially related to the qualifications, functions or duties of
20 a registered nurse, as defined by California Code of Regulations, title 16, section 1444. The
21 circumstances are as follows:

22 14. On or about January 8, 2008, while working at Santa Teresa Kaiser in San Jose,
23 California, Respondent committed battery and/or sexual battery upon a co-worker, when he
24 kissed her on the neck and cupped her left breast with his hand.

25
26 PRAYER

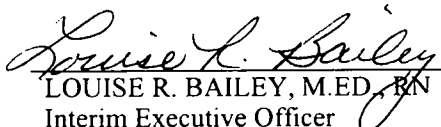
27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Board of Registered Nursing issue a decision:

1 1. Revoking or suspending Registered Nurse License Number 541140, issued to
2 Nikolay S. Lasko.

3 2. Ordering Nikolay S. Lasko to pay the Board of Registered Nursing the reasonable
4 costs of the investigation and enforcement of this case, pursuant to Business and Professions
5 Code section 125.3;

6 3. Taking such other and further action as deemed necessary and proper.
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10 DATED: 8/28/09


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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